

PART I—**CHAPTER****1****SCOPE AND ADMINISTRATION**

S:

SECTION 101—FIRE PREVENTION AND BUILDING SAFETY COMMISSION

101.1 Statutory Authority. The Fire Prevention and Building Safety Commission (Commission) is established at IC 22-12-2-1. The Commission shall adopt rules as set out in IC 22-13-2-2.

101.2 Statutory Authority to adopt rules. The Commission has the statutory authority to adopt rules in various provisions in the Indiana Code including IC 22-12-6-6; IC 22-13-2-2, IC 22-13-2-8; IC 22-13-2-13 and IC 36-8-17-13.

101.3. Rule Adoption. The Commission's rulemaking action shall comply with the requirements of IC 4-22-2.

101.4 Title.

101.4.1 This rule shall be known as the 2026 Indiana Prevention Fire Code and shall be published, except incorporated documents, by the Indiana Fire Prevention and Building Safety Commission for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the 2026 Indiana Fire Code.

101.5 Effect of New or Changed Rules.

101.5.1 Construction projects for which design releases is required to be obtained as wet out in IC 22-15-3 and IC 22-15-2.3 shall be done in compliance with the applicable rules of the commission in effect on the date the application, plans and specifications were submitted to the Department notwithstanding the repeal or amendment of any rule before the date the construction work is actually done.

101.5.2 Accordingly, any enforcement action taken by the Department concerning such construction shall appropriately cite the rules of the commission in effect at the time the application, plans and specifications were submitted to the Department.

101.5.3 Notwithstanding section 101.5.1, the construction work may be done in accordance with any rule of the commission that takes effect subsequent to the submission of the application, plans and specifications and before the actual construction work being done, provided that an appropriate addenda and revision design release are issued by the department.

101.5.4 Construction that is exempt from the design release requirements, is not exempt from the compliance with the rules of the commission in effect on the date the construction work actually starts.

101.6 Conflict within the rules.

Where, in any specific case, different sections of the rules of the Commission specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

101.7. Saving clause

Whenever a rule of the Commission is repealed or amended such repeal, or amendment shall not have the effect to release or extinguish any penalty, forfeiture or liability incurred under such rule before its repeal or amendment, unless the amending or repealing rule promulgation shall so expressly provide; and such rule as it existed prior to the repeal or amendment shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

101.8 Words and Phrases Not Defined.

Where words and phrases are not defined within the rules of the commission, they shall have their ordinary accepted meanings within the context in which they are used

101.9 Interpretation. The State Building Commissioner authorized to issue written interpretations on Rules of the Commission as set out in IC 22-13-5.

SECTION 102—SCOPE AND GENERAL REQUIREMENTS

102.1 Scope. This code establishes regulations affecting or relating to *Class 1 structures*, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, *alteration* or removal of fire protection systems.
5. Conditions affecting the safety of firefighters and emergency responders during emergency operations.

102.1.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

102.2 Purpose. The purpose of this code is to establish the minimum requirements for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, *Class 1 structures* and premises, and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.

102.3 Severability. If a section, subsection, sentence, clause or phrase of this is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

102.4 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 103 —APPLICABILITY

103.1 Construction and design provisions. The construction and design provisions of this code apply to:

1. *Class 1 Structures*, facilities and conditions arising after the adoption of this code.
2. Existing *Class 1 structures*, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing *Class 1 structures*, facilities and conditions where required in Chapter 11.
4. Existing *Class 1 structures*, facilities and conditions that, in the opinion of the *code official*, constitute a distinct hazard to life or property.

103.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.
3. Existing *Class 1 structures*, facilities and conditions legally in existence after July 1, 1986, to the applicable Indiana Fire Code at the time, that has undergone changes in conditions, systems, processes arising after the adoption thereof to its specific subsequent codes.

4. Existing *Class 1 structures*, facilities, conditions, systems, processes, and uses legally in existence prior to the effective date of this code shall be permitted to continue, as long as they are maintained in a condition that is at least as safe and provided the same fire prevention, life safety characteristics that were required when the building, system, process, and use was constructed, installed, started, or altered

103.3 Occupancy of Existing Buildings and Change of use or occupancy

103.3.1. Any building or structure lawfully in existence at the time of the adoption of any rule of the commission for new construction may have its existing use or occupancy classification continued without requiring the building or structure to be altered to comply with such rule.

103.3.2 No change in the use of the building or structure shall be permitted which shall cause the building or structure to be classified within a different occupancy classification group or within a different division of the same occupancy classification group, unless the building or structure is made to comply with the requirements of Commission for new construction for the proposed occupancy.

103.3.3 Where there is a change of occupancy classification group or within a different division of the same occupancy classification group, the owner may elect to perform a change of occupancy based upon the International Existing Building Code adopted by reference in the Indiana Building Code (675 IAC 13).

103.3.4 *Class 1 structure* lawfully in existence complying with the Rules of the Commission as set out in Table 103.3.4 for the specific occupancy classification is not considered a change of occupancy, due to changes in occupancy classification groups between the various adopted Indiana Building Codes (675 IAC 13).

TABLE 103.3.4 OCCUPANCY CLASSIFICATION		
1985 Indiana Building (675 IAC 13-2 effective March 1, 1986) through 1993 Indiana Building Code (675 IAC 13-2.2 effective January 3, 1993) ^{2; 3}	1998 Indiana Building Code (675 IAC 12-2.3 effective April 30, 1998) ^{2; 3}	2003 Indiana Building Code (675 IAC 13-2.4 effective April 21, 2003) ^{2; 3}
A-1	A-1	A-1
A-2	A-2	A-1; A-2
A2.1	A-2.1	A-1
A-3	A-3	A-1; A-2; A-3
A-4	A-4	A-4; A-5
NOTE: Prior to adoption of 2003 Indiana Building Code (675 IAC 13-2.4) Assembly "A" occupancy classification was determined by the presence of a legitimate stage, without a legitimate stage, and occupant load.		
B-1	S-3	
B-2	B; F-1; M; S-1 and S-2	B; F-1; M; S-1 and S-2
B-3	S-4; S-5	
B-4	F-2; S-2	F-2; S-2
E-1	E-1	E
E-2	E-2	E
E-3	E-3	E - Daycare

Opening Parking Garage	S-4	S-1
M	U	U – Private Parking Garage
2. Hazardous “H” Occupancy Classification Group: To determine if a change of occupancy has occurred, the rule of the commission in effect at the time the Hazardous Occupancy was established will need to be consulted to determine if a change of occupancy has occurred.		
3. Institutional “I” Occupancy Classification Group: To determine if a change of occupancy has occurred, the rule of the commission in effect at the time the Institutional Occupancy was established will need to be consulted to determine if a change of occupancy has occurred.		

103.3.5. An owner claiming there has been no change of occupancy classification shall provide written verification of the past occupancy classification group, including the occupancy classification group division of the *Class 1 structure*.

103.3.6 When an addition or alteration is part of a change in occupancy classification the existing building addition or alteration to the existing building shall not exceed:

1. height;
2. number of stories; or
3. area;

permitted by the rules of the commission for new construction for the new occupancy classification.

103.4 Application of building code. The design and construction of new *Class 1 structures* shall comply with the *Indiana Building Code (675 IAC 13)*, and any *alterations*, additions, changes in use or changes in structures required by this code, which are within the scope of the *Indiana Building Code (675 IAC 13)*, shall be made in accordance therewith.

103.5 Application of Class 2 structures. Where structures are designed and constructed in accordance with the *Indiana Residential Code (675 IAC 14)*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply to premises identification, fire apparatus access and water supplies.

103.6 Historic Class 1 structures. . The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan as required in Section 1103.1.1.

103.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated by Sections 103.7.1 and 103.7.2 .

103.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

103.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

103.8 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, or ordinances adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the *code official's* jurisdiction or responsibility.

103.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local law that is not in conflict or more stringent with the rules of the commission, or other state or federal law.

103.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

SECTION 104 —CODE COMPLIANCE AGENCY

104.1 Enforcement. Local inspection and enforcement programs of the fire prevention code shall be as set out in IC 36-8-17-8 for the implementation, administration and enforcement of the provisions of this code.

104.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the political subdivision.

104.3 Local Ordinance. In accordance with IC 22-13-2 as may be amended from time to time, a city, town or county is permitted to adopt an ordinance which incorporates by reference the rules of the commission.

SECTION 105 —DUTIES AND POWERS OF THE CODE OFFICIAL



105.1 General. The State Fire Marshal, and their designees, or *code official* is hereby authorized to enforce the provisions of this code.

105.2 Determination of compliance. The State Fire Marshal and their designees, or *code official* shall have the authority to determine compliance with this code. The State Fire Marshal and the *code official* shall adopt policies and procedures in order to clarify the application of its provisions. Such policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.
3. The State Building Commissioner may render official interpretation on this rule as set out in IC 22-13-5, as may be amended from time to time.

105.2.1 Listed compliance. Where this or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the *code official*.

105.2.2 Technical assistance. To determine compliance with this code, the *code official* is authorized to require the *owner* or *owner's* authorized agent to provide a technical opinion and report.

105.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

105.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a laboratory accredited by the American Association of Laboratory Accreditation or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *design professional*.

105.2.2.3 Content The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

105.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the *code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *code official*.

105.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this section do not authorize a variance from any rule adopted by the Commission, or this rule are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*.

105.2.3.1 Approval authority. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 105.2.3.2 through 105.2.3.6, as applicable.

105.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *code official* for *approval*. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*.

105.2.3.3 Compliance with code intent. The *code official* may accept as evidence of compliance with the rules of the commission any evaluation report that contains limitations, conditions, or standards for alternative materials, methods of construction or design procedures and is published by an independent, nationally recognized testing laboratory that is accredited by the American Association of Laboratory Accreditation or any one (1) of the following:

1. Factory Mutual Loss Prevention Data Sheets and test reports (FM)
2. International Code Council (ICC) Evaluation Services Report (ESR)
3. International Code Council Plumbing, Mechanical and Fuel Gas (PMG) Evaluation Report.
4. International Organization for Standardization (ISO) ISO standards listed by the American National Standards Institute (ANSI).
5. International Electrotechnical Commission (IEC) IEC standards listed by the American National Standards Institute (ANSI).

105.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this rule with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

105.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

105.2.3.5.1 Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

105.2.3.6 Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.3.6.1 and 105.2.3.6.2.

105.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an *approved agency* and use of the evaluation report shall require approval by the *code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *code official's* recognition of the *approved agency*. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *code official*.

105.2.3.6.2 Other reports. Reports not complying with Section 105.2.3.6 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by an *Indiana licensed design professional* or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, an *Indiana licensed design professional*.

105.2.4 Variance. See IC 22-13-2.

105.3 Applications and permits. The *code official* is authorized to review *construction documents* and issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

105.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a structure or on any premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *code official* is authorized to enter the structure or premises at all reasonable times to inspect or to perform the duties imposed on the *code official* by this code. If such structure or premises is occupied, the *code official* shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the *code official* shall have recourse to every remedy provided by law to secure entry.

105.4.1 Warrant. Where the *code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent, occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the *code official* for the purposes of inspection and examination pursuant to this code.

105.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.6 Notices and orders. The *code official* shall issue necessary notices or orders to ensure compliance with this. Notices of violations shall be in accordance with IC 36-8-17.

105.7 Official records. Where a local Fire Prevention Ordinance has been adopted by the jurisdiction, the *code official* shall keep official records as required by the local ordinance. Where a local Fire Prevention Ordinance has not been adopted by the jurisdiction the *code official* shall keep official records of all inspections and violation orders as required by the jurisdictions adopted records retention schedule. Such official records shall be retained in accordance with the records retention schedule for the jurisdiction or state law, if there is no local retention schedule

105.7.1 Inspections. The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

105.7.2 Fire records. The *code official* shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *code official*.

105.7.3 Code alternatives. Application for alternative materials, design and methods of construction and equipment in accordance with Section 105.2.3 of this code ; and documentation of the final decision of the *code official* shall be in writing and shall be retained in the official records.

105.7.4 Tests. The *code official* shall keep a record of tests conducted to comply with Sections 105.2.2.4 and 105.2.3.5.

105.8 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

105.8.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved by the code official*.

SECTION 106—PERMITS



106.1 General. Permits may be in accordance with Sections 106.1.1 through 106.6.25

106.1.1 Permits required. A property *owner* or *owner's* authorized agent who intends to conduct an operation or business or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the *code official* and obtain the required permit from the appropriate code official.

106.1.2 Types of permits. There shall be two (2) types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.5 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
2. Construction permit. Construction permits shall be obtained from the *code official for the political subdivision who is responsible for the issuance of building permits and enforcement of the rule of the commission applicable to construction*.

106.1.3 Multiple permits for the same location. Where more than one (1) permit is required for the same location, the *code official* is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

Exception:

Building permits required to be issued by the *code official responsible for the enforcement of the rules of the commission for construction*.

106.1.4 Emergency repairs. Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted by the next business day to the *code official*

106.1.5 Repairs. Application or notice to the *code official* is not required for ordinary repairs to equipment or systems. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall any repairs include addition to, *alteration* of, replacement or relocation of any standpipe, fire protection water supply, *automatic sprinkler system*, fire alarm system or other work affecting fire protection or life safety.

106.2 Application. Application for a permit required by this code shall be made to the *code official* in such form and detail as prescribed by the political subdivision. Applications for permits shall be accompanied by such plans as prescribed by the *political subdivision*.

106.2.1 Inspection authorized. Before a new operational permit is issued, the *code official* is authorized to inspect the premises, or areas to be used to determine compliance with this code or any operational constraints required.

106.2.2 Time limitation of application. An application for a permit for any proposed operation shall be deemed to have been abandoned one hundred and eighty (180) days after the date of filing, unless such application has been diligently prosecuted, or a permit shall have been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.2.3 Action on application. The *code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *code official may* reject such application in writing, stating the reasons therefor. If the *code official* is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the *code official* shall issue a permit therefor as soon as practicable.

106.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; in accordance with the provisions of the rules of the commission where a permit is required. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the rules of the commission or laws of the political subdivision.

106.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

106.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit where work is unable to be commenced within the time required by this section for good and satisfactory reasons. The *code official* is authorized to grant, in writing, one or more extensions of the time period of a permit. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

106.3.4 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *code official*.

106.3.5 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the rules of the commission or of any other ordinance of the political subdivision. Permits presuming to give authority to violate or cancel the provisions of this code or the rules of the commission or other ordinances of the political subdivision shall not be valid. The issuance of a permit based on *documents* and other data shall not prevent the *code official* from requiring the correction of errors in the *documents* and other data. Any addition to or alteration of *approved documents* shall be *approved* in advance by the *code official*, as evidenced by the issuance of a new or amended permit.

106.3.6 Information on the permit. The *code official* shall issue permits as required. The permit shall contain a general description of the operation or occupancy and its location, and any other information required by the *code official*. Issued permits shall bear the signature of the *code official*.

106.3.7 Validity of permit. The issuance of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any rule of the commission or of any other ordinances of the political subdivision. The issuance of a permit based on operational documents and other data shall not prevent the *code official* from requiring correction of errors in the documents or other data.

106.4 Revocation. The *code official* is authorized to revoke a permit issued under the provisions of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code or any other rule of the commission.

106.5 Required operational permits. The *code official* is authorized to issue operational permits for the operations set forth in Sections 106.5.1 through 106.5.53.

106.5.1 Additive manufacturing. An operational permit is required to conduct *additive manufacturing* operations regulated by Section 4106.3.

106.5.2 Aerosol products, aerosol cooking spray products and plastic aerosol 3 products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products, aerosol cooking spray products or plastic aerosol 3 products in excess of 500 pounds (227 kg) net weight.

106.5.3 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

106.5.4 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

106.5.5 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing *combustible dusts* as defined in Chapter 2.

106.5.6 Combustible fibers. An operational permit is required for the storage and handling of *combustible fibers* in quantities greater than 100 cubic feet (2.8 m³).

Exception: A permit is not required for agricultural storage.

106.5.7 Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of *compressed gases* in excess of the amounts listed in Table 106.5.7.

Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Carbon dioxide used in carbon dioxide enrichment systems	875 (100 lb)
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	875 (100 lb)

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount
For SI: 1 cubic foot = 0.02832 m ³ .	

106.5.8 Covered and open mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

106.5.9 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense *cryogenic fluids* in excess of the amounts listed in Table 106.5.9.

Exception: Permits are not required for vehicles equipped for and using *cryogenic fluids* as a fuel for propelling the vehicle or for refrigerating the lading.

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount
For SI: 1 gallon = 3.785 L.		

106.5.10 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the political subdivision.

106.5.11 Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry-cleaning equipment.

106.5.12 Energy storage systems. An operational permit is required for stationery and mobile energy storage systems regulated by Section 1207.

106.5.13 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

106.5.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives*, *explosive materials*, fireworks or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

106.5.15 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

106.5.16 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of *flammable* or *combustible liquids*. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the *code official*, would cause an unsafe condition.
 - 2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.
5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the *approved*, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where *flammable* and *combustible liquids* are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground *flammable* or *combustible liquid* tank.
8. To change the type of contents stored in a *flammable* or *combustible liquid* tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine *flammable* or *combustible liquids*.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand *mobile fueling* operations in accordance with Section 5707.

11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or, where required by the *code official*, to utilize a site for on-demand *mobile fueling* operations in accordance with Section 5707.

106.5.17 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

106.5.18 Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit- ripening process using ethylene gas.

106.5.19 Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

106.5.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 106.5.20.

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 106.5.6
Corrosive materials	
Gases	See Section 106.5.7
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See Section 106.5.14
Flammable materials	
Gases	See Section 106.5.7
Liquids	See Section 106.5.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 106.5.7
Liquids	Any Amount
Solids	Any Amount
Organic peroxides	

TABLE 106.5.20 —PERMIT AMOUNTS FOR HAZARDOUS MATERIALS—continued	
TYPE OF MATERIAL	AMOUNT
Liquid Class I Class II Class III Class IV Class V	Any Amount Any Amount 1 gallon 2 gallons No Permit Required
Solids Class I Class II Class III Class IV Class V	Any Amount Any Amount 10 pounds 20 pounds No Permit Required
Oxidizing materials	
Gases	See Section 106.5.7
Liquids Class 4 Class 3 Class 2 Class 1	Any Amount 1 gallon ^a 10 gallons 55 gallons
Solids Class 4 Class 3 Class 2 Class 1	Any Amount 10 pounds ^b 100 pounds 500 pounds
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 106.5.7
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids Class 4 Class 3 Class 2 Class 1	Any Amount Any Amount 5 gallons 10 gallons
Solids Class 4 Class 3 Class 2 Class 1	Any Amount Any Amount 50 pounds 100 pounds
Water-reactive materials	
Liquids Class 3 Class 2 Class 1	Any Amount 5 gallons 55 gallons
Solids Class 3 Class 2 Class 1	Any Amount 50 pounds 500 pounds
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.	
a. 22 gallons where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 22 gallons or less.	
b. 220 pounds where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with	

Section 5003.5 are provided for quantities of 220 pounds or less.

106.5.21 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

106.5.22 High-piled storage. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m²), including aisles, of *high-piled combustible storage*.

106.5.23 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

3. Fixed-site hot work equipment, such as welding booths.
4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. Where *approved*, the *code official* shall issue a permit to carry out a hot work program. This program allows *approved* personnel to regulate their facility's hot work operations. The *approved* personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.

106.5.24 Indoor plant cultivation. An operational permit is required for plant cultivation where a carbon dioxide (CO₂) enriched environment is created.

106.5.25 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

106.5.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

106.5.27 Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium- ion and lithium metal batteries, where required by Section 320.2.

106.5.28 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

106.5.29 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

106.5.30 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

106.5.31 Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.

106.5.32 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

106.5.33 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

106.5.34 Outdoor assembly event. An operational permit is required to conduct an *outdoor assembly event* where planned attendance exceeds 1,000 persons.

106.5.35 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

106.5.36 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

106.5.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

106.5.38 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

106.5.39 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

106.5.40 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing *flammable* or *combustible liquids*, or the application of combustible powders regulated by Chapter 24.

106.5.41 Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires, and for indoor storage of tires and tire byproducts.

106.5.42 Temporary membrane structures, special event structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary *special event structure* or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents, curtains and extensions attached thereto, when used for funeral services.
3. Tents open on all sides, which comply with all of the following:
 - 3.1 Individual tents having a maximum size of 700 square feet (65 m²).
 - 3.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

106.5.43 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

106.5.44 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material- handling facilities.

106.5.45 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

106.5.46 Temporary heating or cooking in tents or membrane structures. An operational permit is required to operate temporary heating or cooking equipment within tents or membrane structures.

106.5.47 Temporary heating or cooking in wildfire risk areas. Where required by local regulations, an operational permit is required to operate temporary heating or cooking equipment in wildfire risk areas

106.5.47 Temporary heating for construction sites. An operational permit is required to operate temporary heating equipment in structures during the course of construction, *alteration* or demolition.

106.6.1 Gates and barricades across fire apparatus access roads. The *code official* may issue permits for the installation of or modification to a gate or barricade across a fire apparatus access road.

SECTION 107 —DOCUMENTS

107.1 Design Release. This section does not relieve the owner, contractor or Indiana Licensed Design Professional from obtain a design release as require by IC 22-15-3 and IC 22-15-3.2.

107.2 Examination of documents. The *code official* may examine or cause to be examined the accompanying *documents* and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

107.2.1 If the code official choose to exam submitted documents, the examination in no way substitutes for the design release required by IC 22-13-3 or IC 22-13-3.2

107.2.2 Information on documents. *documents* shall be drawn to scale on suitable material. Documents in a digital format are allowed to be submitted where *approved* by the *code official*. *Documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *code official*.

107.2.3 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code, applicable standard and the *documents*, and shall be *approved* prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of this code.

107.2.4 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the *documents* include all of the fire protection requirements, and the shop drawings are complete and in compliance with the applicable codes and standards.

107.2.5 Accepted documents. *documents accepted* by the *code official* are *accepted* with the intent that such *documents* comply in all respects with this code and all applicable standards in Chapter 9 of this code. Review and *acceptance* by the *code official* shall not relieve the applicant of the responsibility of compliance with this code and all applicable standards.

107.3 Amended documents. Work shall be installed in accordance with the *approved documents*, this code and applicable standards. Any changes made during construction that are not in compliance with the *approved documents* shall be resubmitted for approval as an amended set of *documents*.

107.4 Retention of documents. One (1) set of *documents* shall be retained by the *code official* as required by the political subdivision records retention schedule or the State of Indiana Retention Schedule, if the is no political subdivision retention schedule, from date of completion of the permitted work. One (1) set of *approved documents* shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

SECTION 108 —TEMPORARY STRUCTURES, USES, EQUIPMENT AND SYSTEMS

108.1 General. The *code official* is authorized to issue a permit for temporary structures, uses, equipment or systems as required in Sections 106.5 in conjunction with the political subdivision's building department, if such department exists within the political subdivision. Such permits shall be limited as to time of service but shall not be permitted for more than one hundred (180) days in a twelve (12) month period. The *code official* is authorized to grant extensions for demonstrated cause, in conjunction with the political subdivision's building, if such department exists within the political subdivision. .

108.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of the rules of the commission as necessary to ensure health, safety and general welfare.

108.3 Termination of approval. The *code official* in conjunction with the political subdivision's building department, if such department exists within the political subdivision is authorized to terminate such permit for temporary uses, equipment or systems and to order the same to be discontinued.



SECTION 108 —INSPECTIONS

108.1 Inspection authority. The *code official* is authorized to enter and examine any building, structure, or premises in accordance with this code or in accordance with the political subdivisions' local ordinance adopted for the purposes of enforcing administrative provisions. for enforcing the rules of the commission.

108.2 Inspections. The *code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by *code official*. The *code official* is authorized to engage such expert opinion as deemed necessary to report on unusual, detailed or complex technical issues subject to the approval of the governing body.

108.2.1 Inspection. As set out in IC 36-8-17-6 a fire department may enforce fire safety laws that are applicable to the jurisdiction of the serving fire department.

108.2.2 Inspection requests. It shall be the duty of the owner, holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the owner, permit holder to provide access to and means for inspections of such work that are required by this code.

108.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the owner or permit holder or their duly authorized agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the *code official*.

108.3 3 Concealed work. It shall be the duty of the owner or permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *code official* shall have the authority to require that such work be made visible and able to be accessed for inspection. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

108.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

Deleted Section 110 - in its entirety and insert a new Section 109 to read as follows:

SECTION 109 —MAINTENANCE OF EXISTING BUILDING AND STRUCTURES

109.1 – Permanent Systems.

Permanent Systems is defined as follow and is only applicable to this sections. Permanent systems means any of the following:

1. Heating,
2. Ventilating,
3. Air conditioning,
4. Electrical,
5. Plumbing,
6. Emergency detection,
7. Emergency communication,
8. Fire sprinkler systems
9. Fire or explosion suppression system, or;
10. Passive building fire resistance rated building elements or systems (e.g. walls, doors, corridors,

ceilings and roof).

109.2. Buildings and structures constructed prior to 1928.

Class 1 structures and any of the permanent systems shall continuously be maintained in a condition at least as safe as when originally constructed, installed, or altered.

109.3. Buildings and structures, constructed after 1928 and prior to the creation the Commission July 1, 1986.

Class 1 structures, and any of the permanent systems, shall be continuously maintained in conformance with the applicable rules of the predecessor agency or the Commission in effect when originally constructed, installed, or altered.

109.4. The requirements of Section shall not prohibit maintenance in compliance with the current applicable rules of the commission or in another manner which would be at least as safe, sanitary, energy efficient, and accessible to persons with a physical disability.

109.5 This section does not prohibit the removal of any of the permanent systems provided the permanent system(s) are not required for the current occupancy classification by the rules of the commission or the predecessor agencies, at the time of construction, installation, or alteration.

109.6. Notwithstanding section 109.4 of this section, no alteration or removal of any of the permanent systems shall not create an unsafe or overloaded condition under the provisions of the current rules of the commission for new construction.

109.7 Notwithstanding section 109.4 of this section, no alteration or removal shall reduce existing fire protection or detection systems or exit capacities to a level less than that required by the current rules of the commission for new construction.

109.8 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

109.8.1 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code and manufacturer's recommendations and instructions or referenced standard. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

109.9 Recordkeeping. A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than three (3) years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the *code official*, and a copy of the records shall be provided to the *code official* on request.

The *code official* is authorized to prescribe the form and format of such recordkeeping. The *code official* is authorized to require that certain required records be filed with the *code official*.

109.10 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code and manufacturer's recommendations and instructions or referenced standard.

109.11 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall be provided with *ready access* and shall not be rendered inoperative, except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

109.12 Overcrowding. Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *code official*, on finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

Deleted Section 111 - in its entirety and insert a new Section 110 to read as follows:

SECTION 110- EXISTING BUILDINGS, ADDITIONS, ALTERATIONS AND MOVED BUILDINGS.

110.1 No addition or alteration to a *Class 1 structure* shall reduce existing fire protection or detection systems or exit capacities to a level less than that required by the rules of the commission for new construction.

110.1.1 Permanent Systems.

Permanent Systems is defined as follow and is only applicable to this sections. Permanent systems means any of the following:

1. Heating,
2. Ventilation,
3. Air conditioning,
4. Electrical,
5. Plumbing,
6. Emergency detection,
7. Emergency communication, or
8. Fire sprinkler systems
9. Fire or explosion suppression
10. Passive building-in fire resistance rated building elements or systems (e.g. walls, doors, corridors, ceilings and roofs).

110.2 Not Permitted to become noncompliant

No addition or alteration shall cause an existing *Class 1 structure*, or any permanent systems to become noncompliant under the provisions of the current rules of the commission for new construction or with the applicable rules of the commission or its predecessor agencies in effect at the time the original construction or installation was made

110.3 Minor Nonstructural Alterations.

110.3.1. Minor nonstructural alterations to an existing *Class 1 structure*, which do not adversely affect any structural members, or any part of the building or structure having required fire resistance, may be made with the same materials of which the building or structure is constructed.

110.3.2 The following shall comply the requirements of the rules of the commission for new construction:

1. The installation or replacement of glass shall meet the requirements for safety glazing.
2. The installation or replacement of wall and ceiling finishes shall meet the requirements for flame spread ratings.
3. The installation or replacement of any potable water distribution system, or portion thereof, shall be only of lead-free pipe, fittings, flux, and solder.

110.4 Addition Limitations.

The Addition to a *Class 1 structure* plus the existing *Class 1 structure* shall comply with the current rules of the commission for:

1. Height,
2. Number of stories; and
3. Area

110.5 Additions or alteration to existing *Class 1 structures*

110.5.1 Additions or alterations to existing *Class 1 structures* including additions to or installation of permanent system shall comply with the rules of the commission for new construction, unless specifically exempted elsewhere in this section

110.5.2. Additions or alterations may be made to existing *Class 1 structure*, or any permanent systems

without requiring the entire existing *Class 1 structure*, to comply with all the requirements of the rules of the commission for new construction provided:

1. the construction work within the scope of the construction complies with the requirements of the commission for new construction; and
2. Sections 111.1, 111.2, 111.3, and 111.10 are not violated

110.6 Additions of Balcony

The addition of one (1) or more balconies, each of which does not exceed one hundred (100) square feet in total area, to an existing, non-sprinklered, R-2 occupancy is permitted without either the balconies or the existing building being protected by a sprinkler system in accordance with 675 IAC 13.

110.7 Repairs

Repairs to any permanent systems may be made in accordance with the current rules of the commission for new construction or with the applicable rules of the commission or its predecessor agencies in effect at the time original installation.

110.8 Energy Code Compliance.

Alterations of buildings built prior to January 21, 1978 (the effective date of the first state rule for energy conservation) need not conform with the new construction standards of 675 IAC 19. This exception does not apply to any addition to an existing *Class 1 structure*.

110.9 Rehabilitation of Existing Building

If the rehabilitation of an existing building is undertaken in accordance with Chapter 34 of the Indiana Building (675 IAC 13), all construction work undertaken in the rehabilitation shall comply with the rule of the commission for new construction.

110.10 Moved Buildings and Structures

110.10.1 All *Class 1 structures* that are moved into the state shall comply with, or be made to comply with, the requirements of the commission for new construction for their intended occupancy at their new location.

110.10.2 All *Class 1 structures* that are moved within the state, or to a new location on the same site, shall comply with, or shall be made to comply with, section 103.3.1 and 103.3.2 of this rule

Deleted Section 112 - in its entirety and insert a new Section 111 to read as follows: SECTION 111— VARIANCE

[A] **111.1** Where there are practical difficulties involved in complying with the provisions of this code, or any other rule of the commission, the department or commission shall approve or deny such modifications through the variance process as set out in IC 22-13-2. See IC 22-13-2.



Deleted Section 113 - in its entirety and insert a new Section 112 to read as follows:

SECTION 112 —VIOLATIONS

112.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or any other rule of the commission, or cause same to be done, in conflict with or in violation of any of the provisions of this code or any other rule of the commission.

112.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the *owner* or the *owner's* authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

112.3 Notice of violation. Where the *code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *code official is required* to prepare a written notice of violation as set out in IC 36-7-2-9.5, describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

112.3.1 Service. A notice of violation issued pursuant to this code shall be served on the *owner*, the *owner's* authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the *owner's* authorized agent, or occupant.

112.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the *owner*, the *owner's* authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

112.3.3 Prosecution of violations. If the notice of violation is not complied with within the timeframe specified within the notice of violation, the *code official* is authorized to request the legal counsel of the political subdivision to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

112.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed, without authorization from the *code official*.

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the released *construction documents* or directive of the *code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C infraction, punishable by a fine of not more than five hundred dollars (\$500.00). . Each day that a violation continues after due notice has been served shall be deemed a separate offense.

112.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Deleted Section 114- in its entirety and a new Section 113 to read as follows:

SECTION 113 STOP WORK ORDER

113.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

113.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property, the *owner's* authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, citing the specific rule of the commission, chapter and section and the conditions under which the cited work is authorized to resume.

113.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work. Written notice shall be provided to the owner, owner's representative within twenty-four (24) hours of stopping said work.

113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the political subdivision.

Deleted Section 115 in its entirety and submit to read as follows

SECTION 114 —UNSAFE BUILDING ANDSTRUCTURES OR EQUIPMENT

[A] 114.1 General. For Unsafe Building or structure or equipment see the political subdivision Code of Ordinances for adoption by reference IC 36-7-9 unsafe structures.